

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

Initially, the undersigned would like to thank the Examiner for the courtesy and assistance extended on behalf of the Applicants during the telephonic interview conducted on May 30, 2008, with the undersigned.

In the Official Action, the Examiner rejects claims 2-18 under 35 U.S.C. § 102(b) as being unpatentable over U.S. Patent Application Publication No. 2001/0053909 to Nakada et al., (hereinafter "Nakada") in view of U.S. Patent No. 6,068,063 to Suzuki (hereinafter "Suzuki").

In response, the Applicant respectfully traverses the Examiner's rejection under 35 U.S.C. § 103(a) for at least the reasons set forth below.

In response to the previous Official Action, the Applicant argued that Nakada does not teach a configuration which corresponds to the distal-end bent portion (7; 22; 52) provided at the distal-end portion of the loop section (5) as recited in claims 2, 13 and 16 and that Suzuki does not cure such deficiency in Nakada.

During the interview, the Examiner asserted that the loop of Suzuki consists of portions 16a and 16b and that portion 16a is distal to portion 16b and inclined with respect to portion 16b. Applicants respectfully disagree with such interpretation of Suzuki at least because portion 16b is not a "loop" but merely two parallel wires that are formed distal to the loop (section 16a).

In any event, Applicants respectfully submit that neither Suzuki nor Nakada teach or suggest the bent up portion of the loop conforming to a corner of the bent portion of

the engagement section and extending along an inner circumferential wall of the cap section (e.g., as shown in Figure 3 of the Drawings) and as recited in claims 2, 13 and 16.

Accordingly, neither Nakada nor Suzuki teach a configuration in which, when a loop section 5 of a diathermic snare 1 expands along an inner circumference of a projection 13 of a cap section 11, a projection 7 of the elliptic loop section 5 conforms to the corner of the bending portion of the projection 13, and the projection 7 is fitted on the inner wall of the cap section 11 (e.g., as clearly shown in Figure 3 of the present application).

With regard to the rejection of claims 2-18 under 35 U.S.C. § 103(a), independent claims 2, 13 and 16 are not rendered obvious by the cited references because neither the Nakada patent nor the Suzuki patent, whether taken alone or in combination, teach or suggest a medical instrument system having the features discussed above and recited in independent claim 2; a method of assembling a medical instrument system having the features discussed above and recited in independent claim 13 and a diathermic snare having the features discussed above and recited in independent claim 16. Accordingly, claims 2, 13 and 16 patentably distinguish over the prior art and are allowable. Claims 3-7, 11-12, 17 and 18 being dependent upon claims 2, 13 and 16, are thus at least allowable therewith. Consequently, the Examiner is respectfully requested to withdraw the rejection of claims 2-18 under 35 U.S.C. § 103(a).

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone

conference with Applicants' attorneys would be advantageous to the disposition of this case,
the Examiner is requested to telephone the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Thomas Spinelli', with a long horizontal flourish extending to the right.

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